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9 **BEFORE THE**
RESPIRATORY CARE BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 1H-2007-659

13 CHRISTOPHER MATTHEW SINGLETON
13933 Frederick Street, Apt. #A
14 Moreno Valley, CA 92553

STATEMENT OF ISSUES

15
16 Respondent.

17 Complainant alleges:

18 PARTIES

- 19 1. Stephanie Nunez (Complainant) brings this Statement of Issues solely in
20 her official capacity as the Executive Officer of the Respiratory Care Board of California.
- 21 2. On or about October 26, 2007, the Respiratory Care Board of California
22 (Board) received an application for a license as a Respiratory Care Practitioner from Christopher
23 Matthew Singleton (Respondent). On or about October 20, 2007, Respondent certified under
24 penalty of perjury to the truthfulness of all statements, answers, and representations in the
25 application. The Board denied the application on July 31, 2008. The Board received a letter
26 from Respondent on September 2, 2008, requesting a hearing to contest the denial of his
27 application for licensure.

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JURISDICTION

3. This Statement of Issues is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 3718 of the Code states: “The board shall issue, deny, suspend, and revoke licenses to practice respiratory care as provided in this chapter.”

5. Section 3750 of the Code states, in pertinent part:
“The board may order the denial, suspension or revocation of, or the imposition of probationary conditions upon, a license issued under this chapter, for any of the following causes:

“...

“(d) Conviction of a crime that substantially relates to the qualifications, functions, or duties of a respiratory care practitioner. The record of conviction or a certified copy thereof shall be conclusive evidence of the conviction.

“...”

“(j) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, or duties of a respiratory care practitioner.”

“....”

6. Section 3750.5 of the Code states, in pertinent part:

“In addition to any other grounds specified in this chapter, the board may deny, suspend, or revoke the license of any applicant or license holder who has done any of the following:

“(a) Obtained or possessed in violation of law, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administered to himself or herself, or furnished or administered to another, any controlled substances as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Article 2 (commencing with section

1 4015) of Chapter 9 of this code.

2 “...”

3 7. Section 3752 of the Code states:

4 “A plea or verdict of guilty or a conviction following a plea of nolo
5 contendere made to a charge of any offense which substantially relates to the
6 qualifications, functions, or duties of a respiratory care practitioner is deemed to
7 be a conviction within the meaning of this article. The board shall order the
8 license suspended or revoked, or may decline to issue a license, when the time for
9 appeal has elapsed, or the judgment of conviction has been affirmed on appeal or
10 when an order granting probation is made suspending the imposition of sentence,
11 irrespective of a subsequent order under Section 1203.4 of the Penal Code
12 allowing the person to withdraw his or her plea of guilty and to enter a plea of not
13 guilty, or setting aside the verdict of guilty, or dismissing the accusation,
14 information, or indictment.”

15 8. California Code of Regulations, section 1399.370 states:

16 “For the purposes of denial, suspension, or revocation of a license, a crime or act
17 shall be considered to be substantially related to the qualifications, functions or duties of
18 a respiratory care practitioner, if it evidences present or potential unfitness of a licensee to
19 perform the functions authorized by his or her license or in a manner inconsistent with the
20 public, health, safety, or welfare. Such crimes or acts shall include but not be limited to
21 those involving the following:

22 “....”

23 “(b) Conviction of a crime involving fiscal dishonesty, theft or larceny.”

24 “....”

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1 COST RECOVERY

2 8. Section 3753.5, subdivision (a) of the Code states:

3 “In any order issued in resolution of a disciplinary proceeding before the
4 board, the board or the administrative law judge may direct any practitioner or
5 applicant found to have committed a violation or violations of law to pay to the
6 board a sum not to exceed the costs of the investigation and prosecution of the
7 case.”

8 9. Section 3753.7 of the Code states:

9 “For purposes of the Respiratory Care Practice Act, costs of prosecution
10 shall include attorney general or other prosecuting attorney fees, expert witness
11 fees, and other administrative, filing, and service fees.”

12 10. Section 3753.1 of the Code states:

13 “(a) An administrative disciplinary decision imposing terms of probation
14 may include, among other things, a requirement that the licensee-probationer pay
15 the monetary costs associated with monitoring the probation.”

16 FIRST CAUSE FOR DENIAL OF APPLICATION

17 (Conviction of Crime Substantially Related to the Qualifications,
18 Functions, and Duties of a Respiratory Care Practitioner)

19 11. Respondent's application is subject to denial under Section 3750,
20 subdivisions (d) and (j), Section 3752, of the Code, and the California Code of Regulations
21 1399.370, subdivision (b), in that on or about February 6, 1998, in a criminal proceeding *People*
22 *of the State of California v. Christopher Matthew Singleton*, in Riverside Superior Court, Case
23 Number RIF078308, Respondent was convicted by plea of guilty of committing crimes
24 substantially related to the qualifications, functions, and duties of a Respiratory Care Practitioner.
25 The circumstances are as follows:

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1 a. On or about December 16, 1997, Respondent was arrested after three
2 women accused Respondent of forcing them, with the assistance of two acquaintances, into the
3 car Respondent was driving, and then refusing to release the women until they gave the captors
4 money.

5 b. On or about December 18, 1997, the Riverside District Attorney charged
6 Respondent for committing three counts of Kidnapping [Penal Code section 207, subdivision
7 (a)], and three counts of Robbery [Penal Code section 211]. The complaint was subsequently
8 amended to add counts of False Imprisonment [Penal Code section 236], and Grand Theft [Penal
9 Code section 487a].

10 c. On or about February 6, 1998, Respondent pled guilty to False
11 Imprisonment and Grand Theft.

12 d. On or about March 6, 1998, Respondent was sentenced as follows: Three
13 years formal probation, and terms and conditions which included, among other things: (1) 180
14 days custody, (2) Prohibition from associating with any unrelated female minor unless
15 accompanied by a responsible adult.

16 SECOND CAUSE FOR DENIAL OF APPLICATION

17 (Conviction of a Crime Substantially Related to a Respiratory Care Practitioner)

18 12. Respondent's application is further subject to denial under Section 3750,
19 subdivision (d), and Section 3752, of the Code, in that on or about July 19, 2001, in a criminal
20 proceeding *People of the State of California v. Christopher Matthew Singleton*, in Los Angeles
21 Superior Court, Case Number, Case Number 1RH03736, Respondent was convicted by plea of
22 nolo contendere to a crime substantially related to the qualifications, functions, and duties of a
23 Respiratory Care Practitioner. The circumstances are as follows:

24 a. On or about June 3, 2001, Respondent was stopped by a California
25 Highway Patrol officer. During the traffic stop, the officer smelled marijuana and found
26 a marijuana cigarette in Respondent's cigarette pack.

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1 b. On or about July 19, 2001, Respondent was convicted by a plea of nolo
2 contendere to the charge of possession of less than one ounce of marijuana in a motor
3 vehicle, in violation of Vehicle Code section 23222, subdivision (b).

4 c. On or about July 19, 2001, the Superior Court ordered Respondent to pay a
5 fine of \$136.00.

6 THIRD CAUSE FOR DENIAL OF APPLICATION

7 (Conviction of a Crime Substantially Related to a Respiratory Care Practitioner)

8 13. Respondent's application is further subject to denial under Section 3750,
9 subdivision (d), and Section 3752, of the Code, in that on or December 16, 2003, in a criminal
10 proceeding *People of the State of California v. Christopher Matthew Singleton*, in Riverside
11 Superior Court, Case Number, Case Number RIM446371, Respondent was convicted by plea of
12 guilty to a crime substantially related to the qualifications, functions and duties of a Respiratory
13 Care Practitioner. The circumstances are as follows:

14 a. On or about November 13, 2003, Respondent was arrested by the Deputy
15 Sheriff D.D. of the Riverside County Sheriff's department for possession of marijuana found in
16 Respondent's right pants pocket.

17 b. On or about December 16, 2003, Respondent was convicted by his plea of
18 guilty to possession of not more than 28.5 grams of marijuana, in violation of Health and Safety
19 Code section 11357, subdivision (b).

20 c. On or about December 16, 2003, the Riverside Superior Court ordered
21 Respondent to pay a fine of \$471.00.

22 FOURTH CAUSE FOR DENIAL OF APPLICATION

23 (Unlawful Possession of a Controlled Substance)

24 14. Respondent's application is further subject to denial under sections
25 3750.5(a) and 3752 of the Code, in that he obtained or possessed a controlled substance in
26 violation of the law. The circumstances are as follows:

27 15. Paragraphs 12 and 13, above, are hereby incorporated by reference as if
28 fully set forth herein.

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1. Denying the application of Christopher Matthew Singleton for a license as a Respiratory Care Practitioner;

3. Taking such other and further action as deemed necessary and proper.

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